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## **OLR Bill Analysis**

### **SB 345 (File 371, as amended by Senate "A")\***

#### ***AN ACT CONCERNING MUNICIPAL FLOOD AND EROSION CONTROL BOARDS.***

#### **SUMMARY:**

This bill makes changes in the law affecting municipal inland wetlands agencies and the permits they issue for regulated activities in inland wetlands and watercourses. By law, a “regulated activity” is any operation within or use of wetlands or watercourses involving (1) the removal or deposit of material or (2) any obstruction, construction, alteration, or pollution of the wetlands or watercourses.

Under current law, an inland wetlands permit for a project that also requires a zone change or site plan or subdivision approval is generally valid for up to five years from approval. The bill instead ties the permit validity period to the length of time that the related development’s project approval is valid, which can be up to 10 years. It applies this timeframe to projects requiring any municipal zoning and planning commission approval, including incentive housing zones and projects developed under the affordable housing land use appeals procedure. Certain projects approved before July 1, 2011 are excepted (see BACKGROUND).

Existing law allows wetlands agencies to grant a permit that places terms, conditions, limitations, or modifications on the regulated activity, including reasonable measures to mitigate the effect of the activity on the wetlands. The bill allows the agencies to also restrict the time of year in which a regulated activity may be conducted, if the agency, or its agent, determines that the restrictions are necessary to protect inland wetlands and watercourses.

\*Senate Amendment “A” replaces the original bill, which made technical changes to statutes concerning municipal flood and erosion

control boards.

EFFECTIVE DATE: October 1, 2012

## **INLAND WETLANDS PERMITS**

### ***Projects Requiring Other Land Use Approvals***

By law, municipalities regulate activities affecting inland wetlands and watercourses within their boundaries and issue permits for regulated activities in those areas, including for property development. Property development involving site or subdivision plans also requires planning and zoning approval and, as a condition of this approval, must first obtain an inland wetlands permit when inland wetlands are involved.

Under current law, an inland wetlands permit for property development that also requires a zone change or site plan or subdivision approval is generally valid for up to five years from approval. But a municipal inland wetlands agency can set a specific time period during the five years within which the work must be done.

The bill eliminates an agency's ability to set a specific time within which the regulated activity must be conducted for these projects and ties the period of validity of these inland wetlands permits to the length of the corresponding project's approval or 10 years, whichever is earlier. It applies this timeframe to projects requiring any municipal zoning and planning commission approval, including incentive housing zones and those developed under the affordable housing land use appeals procedure.

### ***All Other Projects***

Under current law, inland wetlands permits for projects that do not also require a zone change or site plan or subdivision approval must be valid for between two and five years. Under the bill, this timeframe applies to any wetlands permit related to a project that does not require planning and zoning approval, including incentive housing and affordable housing projects related to the affordable housing land use appeals procedure.

## **BACKGROUND**

### ***Site and Subdivision Plans and Inland Wetlands Permits Approval Before July 1, 2011***

PA 11-5 extended the initial and extended deadlines that apply to wetlands permits, subdivisions, and small-scale site plans approved before July 1, 2011, on which approval had not expired by the enacting legislation's effective date of May 9, 2011.

By law, inland wetlands permits tied to approved site and subdivision plans, which had not expired by May 9, 2011 and were approved before July 1, 2011, can be extended up to 14 years under PA 11-5 (CGS § 22a-42a(g)).

## **COMMITTEE ACTION**

### Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/23/2012)

### Environment Committee

Joint Favorable

Yea 27 Nay 0 (04/25/2012)